

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 1531 of 1982

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed : NO
to see the judgements?
 2. To be referred to the Reporter or not? : NO
 3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?
 4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?
 5. Whether it is to be circulated to the Civil Judge? : NO

FEHNIDS SUGLAKWALA

Versus

STATE OF GUJARAT

Appearance:

MR AJ YAGNIK FOR MR GIRISH PATEL for Petitioners
MR PREMAL JOSHI FOR Respondents No.1 to 4
None present for Respondent No.5, 6 & 7
MS YV PARIKH FOR MR KM PATEL for Respondent No.8

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 29/08/2000

ORAL JUDGEMENT

#. Heard the learned counsel for the parties.

#. The petitioner No.1 applied for the post of
Physiotherapist in response to the advertisement made by

respondents. She appeared in the interview along with four other candidates and it is her case that in the merit list prepared by the selection committee, her name stood at sr.no.1. Despite of the fact that she was at sr.no.1, she was not given appointment on the said post on the ground that the respondents have decided to amend the recruitment rules to make provision for promotion to the post of Physiotherapist from the cadre of Masseur. Reply to the special civil application has been filed by respondent No.8 and in paragraph-10 thereof, it is stated that the petitioner No.1 has secured permanent employment as Physiotherapist during the pendency of this petition. It is further stated that in view of this fact, her grievances made against refusal to appoint her does not survive. This reply is dated 5th August, 1986. The petitioners have not filed rejoinder to the reply, meaning thereby, the averments made by respondent No.8 stand uncontroverted and they are taken to be correct. In view of this subsequent development which has taken place, I am in agreement with the contention made by learned counsel for respondent No.8 that the grievances made by petitioner No.1 in this petition do not survive. So far as petitioner No.2 is concerned, it is an Association and in service matters, it is difficult to appreciate any such litigation on its behalf. In such matters, only individuals who are affected are to be permitted to make grievance before this Court.

#. As a result of aforesaid discussion, this petition fails and the same is dismissed. Rule discharged. Interim relief if any, earlier granted stands vacated. No order as to costs.

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(sunil)